

# In the Supreme Court of the State of Alaska

**Sallyanne Butts,**

Appellant,

v.

**State of Alaska,**

Appellee.

Supreme Court No. S-17283

## **Order Rejecting Reply Brief**

Date of Order: **10/14/19**

AWCAC Appeal No. **17-023**

Reply brief, filed on 10/7/19, is rejected for the following reasons specified by the law clerk who reviewed the brief and excerpt for technical compliance with Appellate Rules 210 and 212.

The updated reply brief did not address comments 3 and 4 of the order rejecting the original reply brief dated 9/24/18. The following issues remain in violation of Appellate Rule 212(c)(1)(I):

- .The factual assertion on p.4 of the updated brief starting with, “Ms. Butts did incur harm during medical treatment ....” is not supported by a citation to the record.
- .The assertion on p.4 of the updated brief starting with, “Unfortunately for her, it was not as black and white ....” is not supported by a pin cite to the case *Ribar* where this the statement asserted may be found.

The updated reply brief did not address comment 5 of the order rejecting the original replay brief. The paragraph at the top of page 12 starting with “Because the Board cannot choose ...” is single-spaced, in violation of Appellate Rule 513.5(b)(3).

The updated reply brief appears to have also introduced a new problem. Now the argument headings on pages 1 and 12 are double-spaced. The headings should be single-spaced. *See* Appellate Rule 513.5(b)(3). The attorney in this case appears to be

*Butts v. State*  
Supreme Court No. S-17283  
Order of 10/14/19  
Page 2

confused, but Appellate Rule 513.5(b)(3) is clear: headings and footnotes need to be single spaced. The actual argument/analysis in the brief needs to be double-spaced.

The Table of Contents has been partially fixed in response to comment 1 in the order rejecting the original reply brief, but it contains the wrong page number for part 2 of the argument section. Specifically, the updated Table of Contents states that the argument section titled “The board is a fact-finder, not a fact-witness” begins on page 2. That is not correct. This part of the argument begins on page 9 of the updated brief.

The original and one copy of the corrected brief, and the excerpt, with proof of service, are due on or before **10/24/19**.

Entered under Appellate Rule 102(f).

Clerk of the Appellate Courts

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Ryan Montgomery-Sythe, Chief Deputy  
Clerk

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